



rule be expanded to include facilities that are seeking accreditation and demonstrate public accountability under the supervision of an accredited school district. Ms. Connelle stated that the rule does not go far enough because not all of the kids have IEP's. She stated that she did not feel the children would do well at Jefferson County High School and that they were in the best possible place for them to receive an education.

COMMENT 4: George Linthicum, Jefferson High School Superintendent, presented oral and written testimony. Mr. Linthicum concurred with Ms. Gardner's testimony. He feels the children are in the most appropriate place for them at this time.

COMMENT 5: Vernon R. Mummey, M.S. LAC, representing New Day, Inc., submitted written testimony concurring with AYA's position.

RESPONSE: The State Superintendent thanks commentors 3, 4, and 5 for their comments. The commentors' request that we allow ANB for those entities seeking accreditation is outside of the scope of the current rule change. The current rule provides that one of the four criteria necessary to include students for ANB could be met if the private school contractor is accredited by the Montana Board of Public Education (ARM 10.20.106(1)(c)(i)). The purpose of this rule change is to address circumstances involving students with IEP's. The purpose was not to address or consider the accreditation element of this rule. The State Superintendent declines the commentors' suggestion to broaden the purpose of this rule change. Such a change (to include "seeking accreditation") must be addressed with the Board of Public Education because the Board of Public Education does not currently recognize such a status.

/s/ Linda McCulloch  
Linda McCulloch  
Superintendent  
Office of Public Instruction

/s/ Jeffrey A. Weldon  
Jeffrey A. Weldon  
Rule Reviewer  
Office of Public Instruction

Certified to the Secretary of State March 3, 2003.